

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY S. BERRINGER,	)	No. C 07-3353 CW (PR)
	)	
Plaintiff,	)	
	)	ORDER OF DISMISSAL
v.	)	
	)	
CALIFORNIA DEPARTMENT OF	)	
CORRECTIONS, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, a state prisoner, filed the instant pro se prisoner complaint under 42 U.S.C. § 1983. Plaintiff raised the same allegations in another pending prisoner complaint filed in this Court. See Berringer v. Salinas Valley State Prison, et al., Case No. C 06-0270 CW (PR).


A prisoner complaint that merely repeats pending litigated claims may be considered abusive and dismissed under the authority of 28 U.S.C. § 1915A. Cf. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citing Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)) (duplicative in forma pauperis complaints may be considered abusive and dismissed under 28 U.S.C. § 1915). Therefore, the instant complaint is deemed duplicative and abusive under § 1915A.

Plaintiff's request to proceed in forma pauperis is DENIED and the complaint is DISMISSED under the authority of 28 U.S.C. § 1915A(b).

1 The Clerk of the Court shall enter judgment in accordance with  
2 this Order, terminate all pending motions, and close the file. No  
3 filing fee is due.

4 IT IS SO ORDERED.

5 DATED: 7/13/07



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CLAUDIA WILKEN  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY S. BERRINGER,

Plaintiff,

v.

CA DEPT. OF CORRECTIONS et al,

Defendant.

Case Number: CV07-03353 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 13, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony S. Berringer K-66652  
Salinas Valley State Prison  
Ad/Seg D-2-202  
P.O. Box 1050  
Soledad, CA 93960

Dated: July 13, 2007

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California